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June 26, 2014

Karl Palmer
Department of Toxic Substances Control
Safer Products and Workplaces Program
P.O. Box 806
Sacramento, CA 95812-0806
SaferConsumerProducts@dtsc.ca.gov

RE: CBIA Comments: Safer Consumer Products (SCP)
Spray Polyurethane Foam Systems Containing Unreacted Diisocyanates

Background:

The California Building Industry Association (CBIA) is a statewide trade association representing over 3,000 member-companies involved in residential and light-commercial construction. CBIA member-companies are responsible for over 90% of the new homes built in California each year. CBIA would like to respectfully submit the following comments for your consideration.

CBIA's membership has always been interested in and having access to a diverse array of construction products. This is especially true of the products needed for compliance with the California Energy Commission's energy efficiency building standards (CCR Title 24, Part 6).

A primary focus of these energy efficiency building standards focuses on an ever-increasing level of wall and ceiling insulation and continued reductions in air-infiltration levels. Clearly, the use of spray foam insulation products in residential construction shows great promise in that it can deal with both of these basic construction needs: increased wall insulation and reduce air-infiltration.

Concerns:

As indicated at the May 7th DTSC Workshop in Sacramento and again at the May 28th DTSC Workshop in Oakland, CBIA has serious concerns with the manner in which the Department has informed the public about this informal proceeding and the similar issues with DTSC's related website.

Specifically, the DTSC Press Release issued on March 13, 2014 identified the three products being reviewed and used the following sentence to describe the Spray Polyurethane Foam systems: ***"SPF Systems are used for home and building insulation, weatherization, sealing and roofing."*** In addition, the DTSC Safer Consumer Products website includes the following description in the opening paragraph: ***"These products are used for home and building insulation, weatherization and sealing, and roofing."***

As indicated at the workshops, this has had the unintended impact of giving the casual reader the impression that DTSC is concerned with the "installed" spray foam insulation product, so much so that the Department has included this product as one of the three initial products being considered under its Priority Product authority.

In response, DTSC Staff has indicated at both the Sacramento and Oakland workshops that this was not the intent of the Department. Specifically, DTSC Staff indicated that their review would be limited solely to wet-product **application** issues (particularly that associated with do-it-yourselfers) and would not focus on the “installed” product. Simply put, DTSC Staff has made the verbal clarification that their review would not be looking at the spray foam insulation product installed in wall cavities of new homes.

In addition, it was indicated by DTSC Staff that the Website would be edited to make it clear the Department was indeed focusing solely on “application” issues and not those related to the “installed” product. Industry appreciates DTSC’s willingness to provide this crucial distinction, however, we are seriously concerned that the website has yet to be corrected and that a follow-up Press Release has not been issued. Almost two months have passed since DTSC staff made this verbal clarification. As of this morning, the website still uses the same description cited above and continues to give the reader the clear impression that DTSC is focusing on the “installed” product.

Unfortunately, this is creating concern on the part of the building industry which is resulting in real economic harm to the spray foam manufacturers and installers. Specifically, we were informed at a May 8th workshop conducted by the California Energy Commission that a large 200-unit residential development in the northern Bay Area has cancelled their order for spray foam and has decided to switch to conventional batt-insulation product.

Once again, CBIA would respectfully request DTSC to remove from their website the sentence cited above and replace it with the clarification that the Department is considering only product application issues and is not concerned with the “installed product”.

Sincerely,

A handwritten signature in black ink that reads "Bob Raymer". The signature is written in a cursive, flowing style.

Robert E. Raymer, PE
Senior Engineer/Technical Director